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PATENT

DOCKET NO. 2629-4023

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Lorincz, A.

Serial No. : 09/850,041

Group Art Unit : 1655

Filed : May 7, 2001

Examiner : Myers, Carla

For : NON-RADIOACTIVE HYBRIDIZATION ASSAY AND KIT

COMMISSIONER OF PATENTS  
Washington, D.C. 20231

**CORRECTED TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)**

**Identity of Assignee**

The petitioner, DIGENE CORPORATION is the owner of the entire interest in the above-identified application by virtue of an assignment from the inventors to DIGENE CORPORATION recorded at the United States Patent and Trademark Office on July 30, 2001 under Reel 012013, Frame 0171.

**Identification of Person(s) Making This Disclaimer**

Name of disclaimant: Dorothy R. Auth of Morgan & Finnegan, 345 Park Avenue, New York, New York 10154. Disclaimant represents she is a Registered Patent Attorney, Registration No. 36,434, and an Attorney of Record for the above identified application, and authorized to sign on behalf of the assignee identified above.

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**Extent of Interest**

The extent of the assignee's interest is in the whole of this invention.

**Declaration Under 37 C.F.R. 3.73(b)**

I, the undersigned, have reviewed all the documents in the chain of title of the patent application identified above and, to the best of my knowledge and belief, title is in the assignee identified above.

**Disclaimer**

The petitioner, through its Attorney of Record, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent 6,228,578. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such prior patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated

prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

**Fee Status**

37 C.F.R. 1.20(d) and 37 C.F.R. 1.321)

☒ a small entity--fee \$55.00

☐ other than a small entity--fee \$110.00

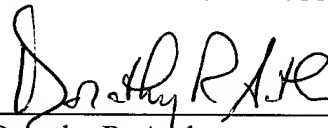
**Fee Payment**

☒ Attached is a check in the sum of \$55.00

☐ Charge Deposit Account 13-4500, Order No. \_\_\_\_\_ for any fee deficiency required by this paper.

☐ Charge Account 13-4500, Order No. \_\_\_\_\_ the sum of \_\_\_\_\_. A  
DUPLICATE COPY OF THIS DISCLAIMER IS ATTACHED.

Date: August 16, 2002

  
\_\_\_\_\_  
Dorothy R. Auth  
Registration No. 36,434  
Attorney of Record

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